CLMA No. 6896 of 2006
IN
CLCON No. 245 of 2005

Hon'ble Prafulla C. Pant, J.

Heard Sri Vikas Pandey holding brief of Ms. Sanjana Madan and learned counsel for the respondents.

This is application no. 6896 of 2006, for restoration of Civil Contempt Petition No. 245 of 2005, which was dismissed vide order dated 28.3.2006.

Perusal of said order shows that the contempt petition was dismissed after considering the counter affidavit filed on behalf of the Principal Secretary Irrigation, whereby it was shown that there is no willful disobedience of the Courts order dated 19.04.2005 passed in Writ Petition No. 923 (S/S) of 2001. The alleged contemnor has explained the circumstances and the willingness to comply court's order. It was also stated in the counter affidavit of the alleged contemnor that Rs. 75,071/- was offered to the petitioner, but he did not accept the same and insisted for payment of Rs.1,49,254/-. There was no specific amount mentioned in the order dated 26th July 2004. After considering the facts and circumstances, the Court found that there was no willful default on the part of the alleged contemnor and contempt petition was dismissed.

This Court does not find any reason to restore the said contempt petition merely on the ground that the petitioner was not present on that day. Therefore, the restoration application no. 6896 of 2006 is rejected.

(P.C.P., J.)

Dt. 1.6.2007
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